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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,425	01/14/2002	Ing. Dieter Wendisch	17346-0003	2451

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EXAMINER	
APPIAH, CHARLES NANA	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,425	WENDISCH, ING. DIETER	
	Examiner	Art Unit	
	Charles Appiah	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 9-18* is/are rejected.

7)☒ Claim(s) *2,7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. Claims 3, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of the limitation "the other master-server configuration" on lines 3-4 of claim 3 lacks prior antecedent basis in the claim.

The recitation of the limitation "the further master-server configuration" on line 5 of claim 9 and line 3 of claim 10, lack prior antecedent basis in the respective claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 10, 13, 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang (5,590,116).

Regarding claims 1 and 11, Zhang discloses a method and an apparatus for testing electronic signals in a network comprising network units between which information can be exchanged by electronic data transmission through network connections, wherein a plurality of testing components are coupled each to one or more of the network connections so that testing components each can detect electronic signals relating to the electronic data transmission through the one or more network connections to which the respective testing component is coupled (see col. 2, lines 32-56), the method comprising the following steps: establishing a test connection for exchange of electronic signals, including test and/or control signals, between one of the testing components and at least another one of the testing components in response to a current testing task (see col. 5, lines 5-24), the one testing component being coupled to one network connection and the at least one other testing component being coupled to another network connection in the network (see col. 5, lines 29-50), establishing a master-server configuration in response to the current testing task, the one testing component being configured as a master testing component and the at least one other testing component being configured as a server testing component (see col. 6, lines 34-45), automatically synchronizing in time the master testing component and the server testing component (see col. 8, lines 47-60), electronically initiating detection of current electronic test signals by the master testing component on the other network connection by means of the server testing component and allocating electronic time information to the detected current electronic test signals in automatic consideration of the previously accomplished time synchronization (see col. 8, lines 15-46), and processing the

detected current electronic test signals and the allocated electronic time information by the server testing component and/or the master testing component in automatic consideration of the allocated electronic time information (see col. 9, line 50 to col. 10, line 22).

Regarding claim 4, Zhang further discloses characterized in that a synchronization connection for automatic synchronization in time is established between the master testing component and the server-testing component for exchanging synchronization signals (see col. 8, lines 26-46).

Regarding claim 5, Zhang further discloses characterized in that synchronization signals transmitted from the master-testing component to the server-testing component comprise time standard signals so that the automatic synchronizing in time is released by the master testing component (see col. 2, line 57 to col. 3, line 2).

Regarding claim 6, Zhang further discloses characterized in time that time standard signals transmitted via radio connections is received by the master testing component and/or the server-testing component for automatic synchronizing in time (see col. 8, lines 39-60).

Regarding claim 10, Zhang further discloses that the master-server configuration in response to the current testing task and/or the further master-server configuration in response to the further testing task are established by a client-server process (see abstract).

Regarding claim 13, Zhang further discloses characterized by a user interfacing for detection of user inputs and/or for output of user data (see col. 3, lines 49-58).

Regarding claim 14, Zhang further discloses characterized by receiving means for receiving time standard signals, which are transmitted via radio connections (see col. 2, line 57 to col. 3, line 2).

Regarding claim 15, Zhang further discloses wherein the network is a telecommunications network (see col. 5, lines 5-14).

Regarding claim 18, Zhang further discloses wherein the network is a network of processing engineering measurement/control systems (see col. 5, lines 29-62).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang as applied to claim 1 above, and further in view of **Keenan et al. (6,230,006).**

Regarding claim 12, Zhang fails to disclose a display means for electronic output of the current electronic test signals detected and/or the current electronic test signals processed by the processing means.

The use of display means for displaying test results is very well known in the art as taught for example by Keenan. Keenan discloses a test system for remotely testing switches within a telecommunications network (see title, abstract). According to Keenan and as illustrated in Fig. 9, test results are output on a display and a user can analyze

and manipulate the results of the testing in an interactive way (see col. 10, line 56 to col. 11, line 8).

It would therefore have been obvious to incorporate Keenan's display system into Zhang's analyzing system in order to provide an interactive means for showing and manipulating test results for ensuring the proper functioning of a communication network.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of well known prior art.

Regarding claims 16 and 17, Zhang fails to teach wherein the network is an energy supply net or network of traffic engineering systems. However, examiner maintains that the concept of testing connections in various networks such an energy supply net or traffic engineering systems is very well known and expected in the art and as such examiner takes Official notice that it would have been obvious to carry out Zhang's network analyzing system in any network such as an energy supply net or traffic engineering systems in order to identify problems as well find ways to improve the overall operation of the desired network such as an energy supply net or traffic engineering systems.

Allowable Subject Matter

8. Claims 2, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, neither Zhang nor any of the prior art of record disclose a method of testing electronic signals in a network characterized in that another current testing task is carried out, upon termination of the current testing task, wherein another master-server configuration is established in response to the other current testing task, at least one other testing component being configured as a master testing component and the one testing component being configured as a server component in combination with all the recited limitations of claim 2.

Regarding claim 7, the prior art of record fails to disclose a method of testing electronic signals in a network characterized in that simulation signals are generated by means of the master testing component and fed into the network, in that electronic data of the simulation signals, are stored in the master testing component, and that the electronic data of the simulation signals stored in the master testing component are automatically taken into consideration in the processing of the current electronic test signals transmitted from the server testing component to the master testing component in combination with all the recited limitations of claim 7.

Regarding claim 8, the prior art of record fails to teach or fairly suggest a method of testing electronic signals in a network characterized in that further simulation signals are generated by means of the server testing component and fed into the network, in that electronic data of the simulation signals, are transmitted from the server testing component, and that the electronic data of the further simulation signals transmitted from the server testing component to the master testing component are automatically taken into consideration in the processing of the current electronic test signals

transmitted from the server testing component to the master testing component in combination with all the recited limitations of claim 8.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanders et al. (6,754,487) discloses a radio network test analysis system.

Kanago et al. (6,587,671) discloses an RF test set having concurrent measuring architecture.

Sikdar (6,724,729) discloses a system analyzer and method for synchronizing and testing a distributed system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

CHARLES APPIAH
PRIMARY EXAMINER